

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ROBERT CLEMON SWAIN, JR.,

Petitioner

VS.

PAUL THOMPSON, WARDEN,

Respondent

NO. 5: 05-CV-175 (CAR)

**PROCEEDINGS UNDER 28 U.S.C. §2254
BEFORE THE U. S. MAGISTRATE JUDGE**

ORDER DENYING APPOINTMENT OF COUNSEL

Petitioner herein has requested this court to provide legal representation to him in the above-captioned §2254 proceeding. Upon a review of his petition, the court finds that the issues set forth therein are properly raised and adequately set forth petitioner's contentions. They are not so complex as to require appointment of legal counsel to represent his legal interests at this time.

The court on its own motion will consider appointing legal counsel for the petitioner if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights. Certainly, if an evidentiary hearing is required, counsel will be provided for the petitioner.

Accordingly, at the present time, petitioner's motion for appointment of legal counsel is DENIED.

SO ORDERED AND DIRECTED, this 28th day of OCTOBER, 2005.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE